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असाधारण

EXTRAORDINARY

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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 8th of August, 1997:—

BILL No. 66 OF 1997

A Bill to provide for the establishment of a permanent Bench of the High Court of Gujarat at Rajkot.

BE it enacted by Parliament in the Forty-Eighth Year of the Republic of India as follows:—

1. This Act may be called the High Court of Gujarat (Establishment of a permanent Bench at Rajkot) Act, 1997.

Short title.

2. There shall be established a permanent Bench of the High Court of Gujarat at Rajkot and such judges of the High Court of Gujarat, being not less than five in number, as the Chief Justice of that High Court may, from time to time nominate, shall sit at Rajkot in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Rajkot, Amreli, Junagadh, Jamnagar, Surendranagar, Kutch and Bhavanagar.

Establishment of a permanent Bench of High Court of Gujarat at Rajkot.

STATEMENT OF OBJECTS AND REASONS

Gujarat is one of the largest and densely populated States of India. There has been a persistent demand for setting up of a permanent Bench of the High Court of Gujarat at Rajkot. The principal seat of Gujarat High Court is at Ahmedabad which is far away from Rajkot. A large number of people living in Rajkot and surrounding areas have to travel long distances in connection with their cases. It is time consuming and costly affairs. In the interest of speedy and cheap justice and convenience of the litigant public, it is necessary to establish a permanent Bench of the High Court of Gujarat at Rajkot.

Hence this Bill.

NEW DELHI;
February 27, 1997.

DILEEP SANGHANI

BILL No. 80 OF 1997

A Bill to establish and incorporate a University at the National level for the promotion of technical education and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Siddeshwar National Technical University Act, 1997. Short title.

2. In this Act and the Statutes made thereunder, unless the context otherwise Definitions.
Definitions requires,—

- (a) "Academic Council" means the Academic Council of the University;
- (b) "Advisory Council" means Advisory Council of the University;
- (c) "Board of Management" means Board of Management of the University;
- (d) "Campus" means campus of the University;

- (e) "Finance Committee" means Finance Committee of the University;
- (f) "Governing Body" in relation to a campus means any body by whatever name called charged with the management of the affairs of the campuses/colleges and recognised as such by the University;
- (g) "School" means a School of Studies and Faculties of the University;
- (h) "Regulations" means the Regulations made by any authority of the University under this Act for the time being in force;
- (i) "Statutes" and "Ordinances" means respectively, the Statutes and Ordinances of the University for the time being in force;
- (j) "University" means "The Siddeshwar National Technical University";
- (k) "Chancellor, Vice-Chancellor, Pro-Vice-Chancellor and Visitor" means respectively, the Chancellor, Vice-Chancellor, Pro-Vice-Chancellor and Visitor of the Siddeshwar National Technical University.

The University.

3. (1) There shall be established a University by the name of Siddeshwar National Technical University.

(2) The headquarter of the University shall be at Solapur and the University may also establish or maintain campuses, colleges, centres, workshops at any such other places in India as it may deem fit.

(3) The first Visitor, the first Chancellor, the first Vice-Chancellor, the first Pro Vice-Chancellor and the members of the first Board of Management, the first Academic Council and the first Planning Board shall be persons who may hereafter become such officers or members and so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of "The Siddeshwar National Technical University."

(4) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

Objects of the University.

4. (1) The object of University shall be to advance and disseminate knowledge by a diversity of means; to use and apply technical knowledge for solving problems of any community, and to encourage higher technical and vocational education system and to co-ordinate and determine the standards in such systems.

(2) The University shall, in organising its activities, have due regard the objects specified in the First Schedule.

Powers of the University.

5. (1) The university shall have the following powers, namely:—

(i) to provide for instruction in such branches of knowledge, technology, vocations and professions as the University may determine from time to time and to make provision for research in science and medicine;

(ii) to plan and prescribe courses of study for degrees, diplomas, certificates or for any other purpose;

(iii) to hold examinations and confer degrees/diplomas, certificates or for any other academic distinctions or recognition on persons who have pursued a course of study or conducted research in the manner laid down by the Statutes and Ordinances;

(iv) to confer honorary degrees or other distinctions in the manner laid down by the Statutes;

(v) to determine the manner in which the creativity systems in higher education shall be evolved to make the students intelligent and independent in forming opinion and making judgement;

(vi) to institute and award fellowships, scholarships, prizes and such other awards for recognition of merit as the university may deem fit;

(vii) to establish and maintain such campuses and regional centres as may be determined by the University from time to time;

(viii) to recognise campuses in the manner laid down by the Statutes;

(ix) to recognise examinations of or periods of study (whether in full or part at other Universities, Institutions or other places of higher learning) as equivalent to examinations or periods of study in the University and to withdraw such recognition at any time;

(x) to make provisions for research and development in educational technology and related matters;

(xi) to create administrative, ministerial and other necessary posts and to make appointments thereto;

(xii) to receive benefaction, donations and gifts and to acquire, hold, maintain and dispose of any property, movable or immovable, including trust and Government property, for the purposes of the University;

(xiii) to borrow, whether on the security of the property of the University or otherwise, money for the purposes of the University and to enter into, carry out or cancel, contracts;

(xiv) to demand and receive such fees and other charges as may be laid down by the Ordinance;

(xv) to determine standards and to specify conditions for the admission of students to courses of study of the University which may include examination, evaluations and any other method of testing;

(2) Notwithstanding anything contained in any other law for the time being in force but without prejudice to the provisions of sub section (1), it shall be the duty of the University to take all such steps as it may deem fit for the promotion of the University Education and for the determination of standards of teaching, evaluation and research in such systems.

6. The University shall in the exercise of its powers have jurisdiction over the whole of India.

Jurisdiction.

7. The University shall be open to all persons of either sex and of whatever race, creed, caste or class and it shall not be lawful for the University to adopt or impose on any person any condition whatsoever of religious belief or profession in order to entitle him to be appointed as a teacher of the University or to hold any other office therein or admitted as student in the University, or to graduate thereat or to enjoy or exercise any privilege thereof;

University to be open to all persons.

8. (1) The President of India shall be the visitor of the University:

The Visitor.

(2) The Visitor may from time to time appoint one or more persons to review the work and progress of the University, including campuses, colleges and institutions managed by it and to submit a report thereon; and upon receipt of that the Visitor may, after obtaining the views of the Board of Management thereon through the Vice-Chancellor, take such action and issue such directions as he considers necessary in respect of any of the matters dealt with in the report and the University shall be bound to comply with such directions.

(3) The Visitor shall have the right to cause an inspection to be made by such person or persons as he may direct of the University, its buildings, laboratories and equipments and of any college or institution or campus maintained by the University and also of the examination, teaching and other work conducted or done by the University and to cause an enquiry to be made in like manner in respect of any matter conducted with the administration or finances of the University, Campuses, Colleges or Institutions.

(4) The Visitor may delegate these powers to the Chancellor of the University.

(5) The Visitor and the Chancellor shall have such other powers as may be prescribed by the Statutes.

Officers of the University.

9. The following shall be the officers of the University:—

- (1) The Chancellor;
- (2) The Vice-Chancellor;
- (3) The Pro-Vice-Chancellor;
- (4) The Directors of Schools;
- (5) The Registrar;
- (6) The Finance Officer;
- (7) Such other officers as may be declared by the Statutes to be officers of the University.

The Chancellor.

10. (1) The Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

(2) The Chancellor shall by virtue of his office be the Head of the University;

(3) The Chancellor, shall if present, preside at the convocation of the University held for conferring degrees.

(4) The Chancellor shall exercise the powers of the Visitor which are delegated by the Visitor to the Chancellor.

The Vice-Chancellor.

11. (1) The Vice-Chancellor shall be appointed by the Visitor in the manner prescribed by the Statutes.

(2) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(3) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or the Ordinances.

The Pro-Vice-Chancellor.

12. The Pro-Vice-Chancellor shall be appointed by the Chancellor and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

Directors of Schools.

13. Every Director of a School shall be appointed in such manner on such emoluments and other conditions of service and shall exercise such powers and perform such functions, as may be prescribed by the Statutes.

Registrar, Finance officer and other officers.

14. (1) The Registrar and Finance Officer and other officers shall be appointed in such manner on such emoluments and other conditions of service as may be prescribed by the Statutes.

(2) The Registrar empowered by the Board of Management shall have the power to enter into agreement, sign documents and authenticate records on behalf of the University.

(3) The Finance Officer and other officers shall exercise such powers and perform such functions as may be prescribed by the Statutes.

Authorities of the University.

15. The following shall be the authorities of the University:

- (1) The Board of Management;
- (2) The Advisory Council of the University;
- (3) The Academic Council;
- (4) The Planning Board;
- (5) The School of Studies;

(6) The Finance Committee;

(7) Such other authorities as may be declared by the Statutes to be the authorities of the University.

16. (1) The Board of Management shall be the principal executive body of the University.

The Board of Management.

(2) The constitution of the Board of the Management, the terms of office of its Members and its powers and functions shall be prescribed by the Statutes.

17. (1) The Advisory Council shall be the advisory body to aid and advise the University.

The Advisory Council.

(2) The constitution of the Advisory Council, its powers and functions shall be prescribed by the Statutes.

18. (1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of the Act, the Statutes and the Ordinances, have the control and general regulation and be responsible for the maintenance of standards of learning, education, instruction, evaluation and examination within the University and shall exercise such other powers and perform such other functions as may be conferred or imposed upon it by the Statutes.

The Academic Council.

(2) The constitution of the Academic Council and the terms of office of its members shall be prescribed by the Statutes.

19. (1) There shall be constituted a Planning Board of the University which shall be the principal planning body of the University and shall be responsible for the monitoring of the development of the University on the lines indicated in the objects of the University.

The Planning Board.

(2) The constitution of the Planning Board, the terms of office of its members and its powers and functions shall be prescribed by the Statutes.

20. (1) There shall be such number of Schools of Studies as the University may determine from time to time.

The Schools of Studies.

(2) The constitution, powers and functions of the Schools of Studies shall be prescribed by the Statutes.

21. The constitution, powers and functions of the Finance Committee shall be prescribed by the Statutes.

Finance Committee.

22. The constitution, powers and functions of the other authorities which may be declared by the Statutes to be authorities of the University shall be prescribed by the Statutes.

Other authorities of the University.

23. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

Power to make rules.

(a) the manner of appointment of the Chancellor, the term of his appointment, the emoluments and other conditions of his service and the powers and functions that may be exercised and performed by him;

(b) the manner of appointment of the Vice-Chancellor, the term of his appointment, the emoluments and other conditions of his service and the powers and functions that may be exercised by him;

(c) the manner of appointment of Directors of Schools, the Registrar, the Finance Officer and other officers, the emoluments and other conditions of their service and the powers and functions that may be exercised and performed by each of the officers;

(d) the constitution of the Board of Management, Advisory Council and other authorities of the University, the powers and functions that may be exercised and performed by such authorities;

(e) the appointment of teachers and other employees of the University, their emoluments and other conditions of service;

(f) the constitution of a pension of provident fund and the establishment of an insurance scheme for the benefit of the employees of the University;

(g) the principle of governing the seniority of services of the employees of the University;

(h) the procedure in relation to any appeal or application for review by any employee or student of the University against the action of any officer or authority, if the University, including the time within which such appeal or application for review shall be preferred or made;

(i) the procedure for the settlement of disputes between the employees or students of the University;

(j) the conferment of autonomous status of colleges;

(k) all other matters which by the Act are to be or may be prescribed by the statutes.

Statutes how to be made.

24. (1) The first Statutes are those set out in the Second Schedule.

(2) The Board of Management may, from time to time, make new or additional Statutes or may amend or repeal the Statutes referred to in sub-section (1).

Power to make Ordinances.

25. (1) Subject of the provisions of this Act and the Statutes, the Ordinances may provide for the admission of students, the courses of study and the fees therefor, the qualifications pertaining to degrees, diplomas, certificates and other courses, the conditions for the grant of fellowships, awards and the like.

(2) The first Ordinance shall be made by the Vice-Chancellor with the previous approval of the Visitor and Ordinances so made may be amended, repealed or added to at any time by the Board of Management in the manner prescribed by the Statutes.

Regulations.

26. The authorities of the University may make Regulations consistent with the Act, the Statutes and the Ordinances for the conduct of their own business and that of the committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances in the manner prescribed by the Statutes.

Annual Report.

27. The University shall publish annual report and shall submit it to the Visitor within one month from the expiry of the relevant financial year.

Annual accounts and audit report.

28. (1) The annual accounts and the balance sheet of the University shall be prepared under the direction of the Board of Management and shall, once at least every year and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India or such person or persons as he may authorise in this behalf.

(2) A copy of the accounts together with the audit report shall be submitted to the Visitor alongwith the observations, if any, of the Board of Management.

(3) Any observations made by the Visitor on the annual accounts shall be brought to notice of the Board of Management and the views of the Board of Management, if any, on such observations shall be submitted to the Visitor.

Transitional Provisions.

29. The first appointment of Chancellor, Vice-Chancellor, Pro-Vice-Chancellor, Registrar, Finance Officer shall be made by the Visitor and they may be considered as appointed under Statutes of the University.

THE FIRST SCHEDULE

(See section 4)

THE OBJECTS OF THE UNIVERSITY

1. The University is established to propagate technical education system.
2. The University is established to create leadership in technology and the engineering education shall be based on creativity in education.
3. The University is established mainly to cater to the needs of international advanced technology which will solve the problems of the society through its education system.
4. This University is established mainly to promote technical education among people in addition to the education which is imparted to this community in other universities.

THE SECOND SCHEDULE

(See section 24)

STATUTES OF THE UNIVERSITY

1. (1) The President of India shall be the Visitor of the University and all the policies, Statutes and Ordinances shall be implemented after the approval of the Visitor. The Visitor.
2. All rules and regulations shall come into force after approval of the Visitor.
3. The Visitor shall appoint the Chancellor of the University, the Vice-Chancellor, the Pro-Vice-Chancellor, and other Officers of the University.
2. (1) There shall be a Chancellor of the University who shall be appointed by the Visitor. The Chancellor.
- (2) All the functions of the University shall be carried out in the name of the Chancellor.
- (3) The Chancellor shall be the head of all the Councils.
- (4) The Vice-Chancellor, Pro-Vice-Chancellor, Head of the Councils and other Departments shall be appointed by the Visitor on the recommendation of the Chancellor.
3. (1) The Vice-Chancellor shall be a whole time salaried officer of the University and he shall be appointed by the Visitor for a term of three years. The Vice-Chancellor.
- (2) The retirement age of the Vice-Chancellor shall be sixty-five years.
- (3) The salary and other terms and conditions of his service shall be such as applicable to Vice-Chancellors of Universities established by the Central Government.
- (4) If the office of the Vice-Chancellor becomes vacant due to death, resignation or otherwise or if he is unable to perform his duties due to ill health or any other cause, the Pro-Vice-Chancellor shall perform the duties of the Vice-Chancellor and if there is no Pro-Vice-Chancellor, the senior-most Director shall perform the functions of the Vice-Chancellor until the new Vice-Chancellor assumes his office or until the existing Vice-Chancellor attends to the duties of his office as the case may be.
4. (1) The Vice-Chancellor shall be *ex-officio* Vice-Chairman of the Board of Management, the Academic Council, the Planning Board and the Finance Committee. Powers and functions of the Vice-Chancellor.
- (2) The Vice-Chancellor shall be entitled to be present at, address, any meeting of any other authority or other body of the University, but shall not be entitled to vote thereat unless he is a member of such authority or body.
- (3) It shall be the duty of the Vice-Chancellor to see that this Act, Statutes, Ordinances and Regulations are duly observed and he shall have all the powers necessary to ensure such observance.
- (4) The Vice-Chancellor shall exercise control over the affairs of the University and shall give effect to the decisions of all the authorities of the University.

(5) The Vice-Chancellor shall have all the powers necessary for the proper maintenance of discipline in the University and he may delegate any such powers to such person or persons as he may deem fit.

(6) The Vice-Chancellor shall be empowered to grant leave of absence to any officer of the University and make necessary arrangements for the discharge of the functions of such officer during the absence.

(7) The Vice-Chancellor shall grant leave of absence to any employee of the University in accordance with the rules and if so desires delegate such powers to another Officer of the University.

(8) The Vice-Chancellor, only on the advice of Chancellor, shall have the power to convene or cause to be convened the meetings of the Board of Management, the Academic Council, the Planning Board and the Finance Committee.

(9) The Vice-Chancellor shall have the following further powers, namely:—

(i) to recommend the Chancellor to appoint such Professors, Readers, Lecturers and other teachers as may be necessary with the prior approval of the Board of Management;

(ii) to appoint course writers, script writers, counsellors, programmers, artists and such other persons as may be considered necessary for the efficient functioning of the University;

(iii) to make short-term appointments for a period not exceeding six months at a time of such persons as may be considered necessary for the functioning of the University;

(iv) to arrange for the establishment and maintenance of regional and study centres, campuses and other Departments at different places as may be required from time to time and delegate to any employee such powers as are necessary for their efficient functioning.

The Pro-Vice-Chancellor.

5. (1) The Pro-Vice-Chancellor shall be appointed by the Chancellor on the recommendation of the Board of Management.

(2) The term of office of the Pro-Chancellor shall be such as may be decided by the Board of Management, but it shall not in any case exceed three years or until the expiration of the term of office of the Vice-Chancellor whichever is earlier and he shall be eligible for re-appointment.

(3) The retirement age of the Pro-Vice-Chancellor shall be sixty-five years and the salary and other terms of conditions of his service shall be such as applicable to Pro-vice-Chancellors of other Universities established by the Central Government.

The Directors of Schools.

6. (1) Every Director of a school shall be appointed by the Board of Management on the recommendation of Vice-Chancellor and the Committee constituted for this purpose.

(2) Every Director shall be a whole-time salaried officer of the University.

(3) Every Director shall exercise such powers and perform such functions as may be prescribed by the Ordinances:

The Registrar.

7. (1) Every Registrar shall be appointed by the Board of Management on the recommendation of a Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University.

(2) The emoluments and other conditions of service of the Registrar shall be a prescribed by the Ordinance:

Provided that the Registrar shall retire on attaining the age of sixty year.

(3) The Registrar shall have power to take disciplinary action against such of the employees excluding teachers and other members as may be specified by the Board of Management by order.

(4) An appeal shall lie to an officer so designated by the Board of Management against any order made by the Registrar in pursuance of clause (3).

(5) In cases where an inquiry disclosed that a punishment beyond the powers of the Registrar is called for, the Registrar shall, consequent on the inquiry, make a report to the Vice-Chancellor alongwith his recommendations for such action as the Vice-Chancellor may deem fit:

Provided that an appeal shall lie to the Board of Management against an order of the Vice-Chancellor imposing any penalty.

(6) Such of the officers as are designated by the Board of Management shall be—

- (i) the Secretary to the Board of Management;
- (ii) the Member-Secretary of the Academic Council;
- (iii) the Member-Secretary of the Planning Board.

(7) The Registrar shall:

(a) be the custodian of the records, the common seal and such other properties of the University as the Board of Management may commit to his charge;

(b) issue notices and convene meetings of the Board of Management, the Academic Council and the Planning Board and of the committees appointed by the those authorities;

(c) keep the minutes of meeting of the Board of Management, the Academic Council and the Planning Board and of the committees appointed by such authorities;

(d) conduct the official proceedings and correspondence of the Board of Management, the Academic Council and the Planning Board;

(e) supply to the Visitor, a copy of the agenda of the meetings of the authorities of the University as soon as they are issued and the minutes of the meeting;

(f) represent the University in suits or proceedings, by or against the University, sign power of attorney, verify pleadings and depute his representative for the purpose;

(g) perform such their functions as may specified in the Statutes, Ordinances or Regulations or as may be required from time to time by the Board of Management or the Vice-Chancellor.

8. (1) The Finance Officer shall be appointed by the Board of Management on the recommendation of a Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University and shall work under the control of the Vice-Chancellor.

The Finance
Officer.

(2) The emoluments and other conditions of service of the Finance Officer shall be prescribed by the Ordinances.

(3) when office of the Finance Officer is vacant or when the Finance Officer is by reason of ill health, absence or any other cause unable to perform his functions as Finance Officer, his functions shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(4) The Finance Officer shall,—

(a) exercise general supervision of the funds of the University and advise it as regards its financial policies; and

(b) perform such other financial functions as may be assigned to him by the Board of Management or as may be prescribed by the Statutes or the Ordinances:

Provided that the Finance Officer shall not incur any expenditure to make any investment exceeding rupees one lakh without the previous approval of the Board of Management.

(5) Subject to the control of the Vice-Chancellor and the Board of Management, the Finance Officer shall—

(a) hold and manage the properties and investments of the University, including trust and immovable properties for fulfilling any of the objects of the University;

(b) ensure that the limits fixed by the Finance Committee for recurring and non-recurring expenditure for a year are not exceeded and the money is expended or spent for the purposes for which it was granted or allotted;

(c) be responsible for the preparation of the annual accounts and the budget of the University and for their presentation to the Board of Management after they have been considered by the Finance Committee;

(d) keep a constant watch on the cash and bank balances and investments;

(e) watch the progress of collection of revenue and advise on the methods of collection employed;

(f) ensure that the registers of properties of the University are maintained properly and that stock checking is conducted of equipments and other materials in offices of the University including regional centres, study centres and other institutions maintained by the University;

(g) bring to the notice of the Vice-Chancellor any unauthorised expenditure or other financial irregularities and suggest appropriate action against persons at fault; and

(h) call from any office of the University, including Regional Centres, Study Centres and other institutions maintained by the University, any information or reports that he may consider necessary for the performance of his functions.

(6) Any receipt given by the Finance Officer or by the person duly authorised in this behalf by the Board of Management shall be a sufficient discharge for payment of moneys to the University.

9. (1) The Board of Management shall consist of the following members, namely:—

(i) The Chancellor;

(ii) The Vice-Chancellor;

(iii) The Pro-Vice-Chancellor;

(iv) Two employees of the University to be nominated by Chancellor;

(v) Three representatives of Technical education from Indian Institute of Technology;

(vi) Two persons representing commerce/industry;

(vii) One eminent technocrat;

(viii) Four representatives one each from Lok Sabha/Rajya Sabha/Legislative Assembly/Legislative Council to be nominated by the respective Presiding Officer to represent labour and girls;

(ix) One representative of students of the University;

(x) One representative of the Central Government.

(2) The term of office of the members of the Board of Management from Sl. Nos. (i) to (iv) and (vii) to (x) shall be three years and they shall be eligible for re-appointment.

10. (1) The Board of Management shall have the power of management and administration of the revenue and property of the University and the conduct of all administrative affairs of the University not otherwise provided for.

(2) Subject to the provisions of the Act, the Statutes and the Ordinances, the Board of Management shall, in addition to the other powers vested in it under the Statutes, have the following powers, namely:—

(a) to create teaching and other academic posts and to define the functions and conditions of service of Professors, Readers, Lecturers, teachers and other academic staff employed by the University;

(b) to prescribe qualifications for teachers and other academic staff;

(c) to approve the appointment of such Professors, Readers, Lecturers and other teachers and academic staff as may be necessary on the recommendation of the Selection Committee constituted for the purpose;

(d) to specify the manner of appointment to temporary vacancies of academic staff;

(e) to approve appointments to temporary vacancies of any academic staff;

(f) to provide for the appointment of visiting Professors, eminent Professors, fellows, artists and writers and determine the terms of conditions of such appointments;

(g) to manage and regulate the finances, account, investments property of the University and all other affairs of the University and to appoint such agents as may be considered fit;

(h) to invest any money belonging to the University, including any unapplied income, in such stocks, funds, shares or securities as it thinks fit or in the purchases of immovable property in India with like power or varying such investment from time to time;

Provided that no action under this clause shall be taken without consulting the Finance Committee;

(i) to create administrative, ministerial and other necessary posts after taking into account the recommendations of the Finance Committee and to specify the manner of appointment thereto;

(j) to regulate and enforce discipline amongst the employees in accordance with the Statutes and Ordinances;

(k) to transfer or accept transfers of any immovable or movable property on behalf of the University;

(l) to entertain, adjudicate upon, or redress the grievances of the employees and the students of the University who may, for any reasons, feel aggrieved;

(m) to fix the remuneration payable to counsellors, examiners and invigilators, and travelling and other allowances payable, after consulting the Finance Committee;

(n) to select the common seal for the University and to provide for the use of such seal;

(o) to delegate any of its powers to the Vice-Chancellor, the Pro-Vice-Chancellor, the Registrar, the Finance Officer or any other Officer, employee or authority of the University, or to a Committee appointed by it;

(p) to institute fellowships, scholarships, student-ships; and

(q) to exercise such other powers and perform such other functions as may be conferred or imposed on it by the Act of the Statutes.

(3) The Board of Management shall exercise all the powers of the University not otherwise provided for by the Act, Statutes, Ordinances and the Regulations for the fulfilment of the objects of the University.

11. (1) The Academic Council shall consist of the following members namely:—

(i) The Chancellor;

(ii) The Vice-Chancellor;

(iii) The Pro-Vice-Chancellor;

The Academic Council.

(iv) Directors of Schools of Studies;

(v) Two teachers to be nominated by the Board of Management on the recommendation of the Vice-Chancellor;

(vi) Seven Directors, other than the Directors of Schools of Studies, to be nominated by the Board of Management on the recommendation of the Vice-Chancellor;

(vii) Librarian;

(viii) The Registrar shall be the member secretary of the Academic Council; and

(ix) Ten persons, who are not employees of the University, co-opted by the Academic Council for their knowledge including representatives of employees' organisations, agriculture, industries, trade and commerce, academic and professional organisation and communication field;

Provided that the total membership of the Academic Council shall not exceed thirty;

(2) The members of the Academic Council, other than ex-officio members, shall hold office for a term of two years from the date of their appointment or co-option, as the case may be.

(3) Ten members of the Academic Council shall form the quorum for a meeting.

Powers of the
Academic
Council

12. Subject to the Act, the Statutes and the Ordinances, the Academic Council, shall in addition to all other powers vested in it under the Statute have the following powers namely:—

(a) to exercise general supervision over the academic policies of the University and to give directions regarding methods of instruction, evaluation, research or improvement in academic standards;

(b) to consider matters of general academic interest either on its own initiative or on a reference from the Planning Board or a School of Studies or the Board of Management and take appropriate action thereon; and,

(c) to frame regulations and rules consistent with the statutes and the Ordinances regarding the academic functions of the university including disciplines, admissions, award of fellowships and studentships, fees and other academic requirements.

The Planning
Board.

13. (1) The Planning Board shall consist of the following:

(i) The Chancellor;

(ii) The Vice-Chancellor;

(iii) The Pro-Vice-Chancellor;

(iv) Two persons to be nominated by the Chancellor from amongst the academic staff of the University;

(v) Five persons who are not employees of the University, to be nominated by the Visitor, one each representing the following sectors:

(a) Vocational/Technical Education;

(b) Manpower Planning;

(c) Agriculture/Rural Development and allied activities;

(d) Women's Studies.

(vi) Five persons who are not employees of the University, to be nominated by the Board of Management for their expertise, one each to represent the following areas of specialisation:

(a) Management;

(b) Professions;

- (c) Education;
- (d) Commerce & Industry;
- (e) Engineering/Technology; and
- (f) Medicine.

(2) The term of the Planning Board shall be three years.

14. (1) The University shall have the following schools of studies, namely:—

The School of
Studies.

- (a) School of Civil Engineering;
- (b) School of Textile Engineering;
- (c) School of Science;
- (d) School of Chemical Technology ;
- (e) School of Computer Science;
- (f) School of Space Engineering;
- (g) School of Business and Economic Studies;
- (h) School of Mechanical Engineering;
- (i) School of Agriculture Engineering;
- (j) School of International Technology Transfer Studies;
- (k) School of Hotel Management;
- (l) Such other School as may be set up by the Statutes.

(2) Every School of Studies shall have a Board and the powers and functions of the Board shall be prescribed by Ordinances and Statutes.

15. (1) The Finance Committee shall consist of the following members namely:—

The Finance
Committee.

- (i) The Chancellor;
- (ii) The Vice-Chancellor;
- (iii) The Pro-Vice-Chancellor of the University;
- (iv) A Director of School of the University by rotation;
- (v) One person, who is not an employee of the University, to be appointed by the Board of Management from among its members;
- (vi) One person, who is not an employee of the University, to be nominated by the Board of Management;
- (vii) two persons to be nominated by the Visitor.

(2) The Finance Officer shall be the *ex-officio* Secretary of the Finance Committee, but he shall not be deemed to be a member of that Committee.

(3) All the Members of the Finance Committee other than the Chancellor shall hold office for a term of three years from the dates on which they become members of the Committee.

(4) Four members of the Finance Committee shall form a quorum for a meeting of the Committee.

(5) The Finance Committee shall meet at least thrice a year to examine the accounts and scrutinise the expenditure.

(6) All proposals relating to revision of grade, upgradation of the scales and those items which are not included in the budget, shall be examined by the Finance Committee before they are considered by the Board of Management.

(7) The annual accounts and the financial estimates of the University prepared by the Finance Officer shall be laid before the Finance Committee for consideration and comments and thereafter submitted to the Board of Management within the time limit fixed by the Committee.

(8) The Finance Committee shall fix the limits for the total recurring and non-recurring expenditure for the year, based on income and resources of the University and no expenditure shall be incurred by the University in excess of the limits so fixed.

(9) Constitution, Powers and Functions of the following Committees, Council and Board shall be prescribed by the statutes, Ordinances of the University after establishment of the University—

- (a) Selection Committee;
 - (b) General Provident Fund-cum-Pension-cum-Gratuity Scheme;
 - (c) Contributory Provident Fund-cum-Gratuity Scheme.
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STATEMENT OF OBJECTS AND REASONS

Majority of the Universities of the country only disseminate knowledge and they do not promote creativity, morality, teacher-pupil relationship, Industry-University-Interaction, commercial approach and modern science and technology amongst the students.

The Bill proposes to establish Siddeshwar National Technical University, which will be a Central University, with the view not only to disseminating knowledge but also promoting technical education and teach them the use and application of society.

It has been seen that the proper attention has not been paid to the technical, engineering, educational requirements of the people living in rural areas who constitute a large chunk of our population and who mostly belong to lower strata of the society. Therefore, it is proposed to establish this University.

The Bill seeks to achieve the above objectives.

NEW DELHI;
May 15, 1997

LINGRAJ VALYAL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of a Central University to be known as Siddeshwar National Technical University. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India in respect of setting up of the University, Colleges etc. and other administrative expenditure. It is estimated that an annual recurring expenditure of rupees one hundred crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees twenty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 24 of the Bill provides that the first Statutes are those set out in the Second Schedule to the Bill. It also empowers the Board of Management to make new or additional Statutes or amend or repeal the Statutes of the University. Clause 25 empowers the Vice-Chancellor of the University to make the first Ordinances of the University with the previous approval of the Visitor and provides that the Ordinances so made may be amended, at any time by the Board of Management in the manner prescribed by the Statutes. Clause 26 enables the authorities of the University to make Regulations, consistent with the Act, the Statutes and the Ordinances for the conduct of their own business and that of the Committees appointed by them.

The matters, for which Statutes, Ordinances or Regulations may be made pertain to matters of procedure or detail and it is hardly possible to provide for them in the Bill.

The delegation of legislative powers is, therefore, of a normal character.

BILL NO. 81 OF 1997

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1997.

Short title.

2. In article 311 of the Constitution,—

Amendment of
article 311.

(a) In clause (2), in the second proviso,—

(i) for sub-clause (b), the following sub-clause shall be substituted, namely:—

“(b) Where the authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for reasons, which are to be specified and substantiated by evidence, to be recorded by that authority in writing and also intimated to the person concerned, it is not reasonably practicable to hold such inquiry; or”;

(ii) sub-clause (c) shall be omitted;

(b) Clause (3) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The provisions of article 311 have been unreasonably used several times by the bureaucracy to unjustifiably punish the employees for many reasons. This provision is mostly used to punish those employees who are not in the good books of senior officers. The employees who are involved in association activities are branded as political activists and are punished under these provisions without giving them any opportunity to explain their point of view or to argue their case. The provisions of fundamental rights enshrined in the Constitution are being violated in as much as the aggrieved employees are not given a chance to defend themselves. Rules of natural justice and fair play require that the employees must have a chance to know as to why they are being punished and also they should be given a chance to explain their position and also to submit documents and evidence, if any, in their favour. Senior officers should not be vested with powers to dismiss employees without holding an inquiry. The procedure regarding holding inquiry should be dispensed with only in exceptional cases and that too after the officer who was conducting inquiry has recorded in writing that it is not practicable to hold an inquiry.

It is, therefore, proposed to amend article 311 of the Constitution suitably with a view to protecting the interests of employees.

NEW DELHI;
May 14, 1997.

BASUDEB ACHARIA

BILL NO. 83 OF 1997

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

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|--|--------------------------|
| 1. This Act may be called the Constitution (Amendment) Act, 1997. | Short title. |
| 2. In article 58 of the Constitution, in clause (1), in sub-clause (a), for the word "citizen", the words "natural born citizen" shall be substituted. | Amendment of article 58. |
| 3. In article 66 of the Constitution, in clause (3), in sub-clause (a), for the word "citizen", the words "natural born citizen" shall be substituted. | Amendment of article 66. |
| 4. In article 75 of the Constitution, in clause (1), the following proviso shall be added at the end, namely:— | Amendment of article 75. |

"Provided that no person shall be eligible to hold the office of the Prime Minister unless he is a natural born citizen of India."

STATEMENT OF OBJECTS AND REASONS

The ongoing process of globalisation of the country's economy has enabled the global multinational corporations to establish a powerful presence in India. Some of these corporations have annual turnover which is almost one half of India's Gross National Product (GNP). Given the enormous role that money has come to play in the political life of the country, there will be temptations for these corporations to use the power of their money to influence political developments in India.

At the same time foreign print media has begun to make inroads into our country. Along with western electronic media, it has launched a cultural offensive with a view to influence the thinking of Indian people.

These developments are fraught with grave consequences for India's sovereignty. Sooner or later, these foreign economic and cultural interests can be expected to make efforts to influence India's decision makers to formulate policies which may not be in national interest.

India's citizenship laws enable foreign born persons to acquire Indian citizenship. The Constitution of India enables any Indian citizen to be the President, the Vice President and the Prime Minister, unless he is otherwise debarred. In the changing global scenario, it will not be beyond the capacity of foreign interests to manipulate a situation to project a person who is not a natural born citizen of the country and whose patriotism may be in doubt.

The posts of the President, the Vice President and the Prime Minister are not merely sensitive posts. They hold in their hands decision-making powers which can take the country to wars or make compromises on the nation's security. Any person whose patriotism is untested should not be trusted with the fate of one sixth of humanity. That is why, in the United States, for instance, only a natural born citizen is eligible to be elected as the President.

This Bill seeks to amend the Constitution to make only natural born citizens of India eligible to be the President, the Vice President and the Prime Minister.

Hence this Bill.

NEW DELHI;

June 15, 1997.

GEORGE FERNANDES

BILL No. 85 OF 1997

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1997.

Short title.

2. After article 151 of the Constitution, the following heading and articles shall be inserted, namely:—

Insertion of
new article
151A, etc.

“CHAPTER VI—PLANNING COMMISSION OF INDIA

151A. (1) There shall be set up by the Government of India a Planning Commission which shall consist of a Chief Planning Commissioner and two other Planning Commissioners.

Planning
Commission.

(2) The Chief Planning Commissioner and two other Planning Commissioners shall be appointed for a term of five years or until they attain the age of sixty-five years whichever is earlier.

(3) The appointment of the Chief Planning Commissioner and two other Planning Commissioners shall be made by President on the advice of a Committee comprising the Prime Minister, the Speaker of the House of the People and the Chairman of the Council of States and Leaders of Opposition of both Houses of Parliament.

(4) The terms and conditions of the appointment of the Chief Planning Commissioner and two other Planning Commissioners shall be such as may be prescribed by or under any law made by Parliament.

Functions of
Planning
Commission.

151B. (1) It shall be the duty of the Planning Commission to prepare plans at the expiration of every five year or at such earlier time as it may consider necessary for the economic and around development of the country.

(2) While preparing plans, the Planning Commission may take into consideration the following factors namely:—

(a) the sectors which require urgent attention;

(b) the views of all the Chief Ministers of the States and Administrators of the Union—territories, as the case may be—

(c) the backwardness of different areas of the country:

Provided that the Planning Commission may while declaring an area as a backward area, take into account the industrialisation, agricultural production in that area and such other factors as it may consider necessary.

(3) The Planning Commission shall after preparation of the plans forward the same to the Government of India.

(4) It shall be the responsibility of the Government of India to allocate sufficient funds for the implementation of all the plans framed by the Planning Commission.

(5) It shall be the responsibility of the Planning Commission to monitor the progress of each project and plan framed by it and recommend improvements to the Government of India for early implementation of those plans.

Planning
Commission
Secretariat.

151C. (1) There shall be set up a Secretariat to be known as Planning Commission Secretariat.

(2) The Secretariat shall be headed by a Chief Advisor and shall consist of such number of Joint Advisors, Assistant Advisors and such other officers and staff as may be necessary for the efficient functioning of the Secretariat.

(3) The terms and conditions of appointment of Officers and other staff of the Planning Commission Secretariat shall be such as may be prescribed by or under any law made by Parliament in this behalf.

(4) The Secretariat shall assist the Planning Commission in carrying out its functions.”.

STATEMENT OF OBJECTS AND REASONS

Since the last fifty years of our Independence, eight five year plans have been implemented and ninth plan is under implementation. The country has not been able to make much progress despite all these plans. Although the Planning Commission has been framing plans and projects, yet they are not implemented due to insufficient allocation of funds by the Government. Moreover, the recommendations of the Planning Commission are purely recommendatory in nature and are not binding on the Government.

The plans and projects framed by the Planning Commission remain only on paper as the Government does not allocate sufficient funds for their implementation. Even for those projects for which sufficient funds have been allocated, the progress has been very slow and as a result the cost of project is escalating. Among those plans and projects of which could not be implemented are power projects and projects which are connected with infrastructural facilities.

Majority of population of our country lives in utter poverty and does not have even basic facilities of life. The purpose of which the planning commission was set up has not been achieved in as much as the plans and projects framed by them are not at all implemented.

The Planning Commission functioning at present does not have a statutory status. It is, therefore, proposed to amend the Constitution with a view to giving the present Planning Commission a statutory status. And also to provide that the Central Government shall allocate sufficient funds for implementing the plans framed by the Planning Commission. This measure would accelerate our economic progress.

Hence this Bill.

NEW DELHI;
June 17, 1997.

G.A. CHARAN REDDY

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the establishment of an independent Planning Commission consisting of a Chief Planning Commissioner and two other planning Commissioners. It also provides for the establishment of a Planning Commission Secretariat consisting of such officers and staff as may be required.

Already a Planning Commission consisting of members and other officers is in existence. Therefore no expenditure will be involved from the Consolidated Fund of India in respect of the proposed Planning Commission. However, additional expenditure may be involved from the Consolidated Fund of India in respect of salary, etc. to be paid to some more officers who may have to be appointed for efficient discharge of the functions of the Planning Commission. Some more office accommodation, furniture, etc. may also have to be provided for this purpose. It is estimated that an annual recurring expenditure of about rupees ten crore is likely to be involved from the Consolidated Fund of India.

A non recurring expenditure of about rupees three crore is also likely to be involved.

BILL NO. 106 OF 1997

A Bill to provide for the compulsory physical education and sports training to all students and for matters connected therewith.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Physical Education and Sports Act, 1997.

Short title,
extent and
commence-
ment

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means the Central Government in relation to Union territories and the State Government in relation to a State;

(b) "physical education" means and includes all types of activities or exercises concerning the body;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "sports" means and includes all types of games or competitive activities especially out door involving physical exertion, whether individually or collectively;

(e) "student" means any student studying in any educational or technical or vocational institution upto college level and who has not attained the age of twenty five years.

3. The appropriate Government shall—

(i) provide compulsory and free physical education and sports training to all students;

(ii) supply free coaching materials and other equipments to all students required for physical education and sports training;

(iii) make arrangements for hostel facilities for all needy students between the age of twelve and twenty-five years, either free of cost or at such a nominal rate as may be prescribed;

(iv) provide scholarship for the talented students;

(v) provide pocket money ranging from rupees one hundred to one hundred and fifty per month for all sports-men a inter-district or higher level according to their efficiency;

(vi) provide free transport facilities to all players for participating in competitions at the inter-district or higher level;

(vii) undertake proper management of physical education and sports training in all schools and colleges and make provision for imparting physical education and sports training by suitable and skilled instructors;

(viii) start courses in physical education and sports training at the post-graduate and doctorate levels in all universities;

(ix) establish regional physical education and sports training centres at such places as it may deem fit;

(x) promote awareness among the people regarding the need for physical education and sports training;

(xi) provide nutritious food and all facilities for physical education and sports training to all students free of cost;

(xii) provide free medical facilities to all physical education and sports instructors;

Compulsory
and free
physical
education and
sports.

Physical
education and
sports fund.

Training of
sports persons

Expert
Committee.

Opening up of
colleges for
physical
education and
sports training.

4. The Central Government shall constitute a fund to be known as "physical education and sports fund" in order to provide funds to all educational institutions for meeting their requirements in connection with physical education and sports.

5. The appropriate Government shall evolve a scheme under which all students well versed in physical education or sports shall be provided apprenticeship or advanced training in vocational institutions.

6. The appropriate Government shall appoint an expert Committee which shall consist of such number of eminent educationalists, psychologists and sports experts who shall recommend the type of education or training to be imparted to students in accordance with their physical capacity and suitability in a particular sports.

7. The appropriate Government shall open atleast one degree college to train students in physical education and sports in every five adjoining districts with hostel facilities and all materials required for physical education and sports training free of cost for students.

8. The appropriate Government shall provide employment to all physical education and sports instructors after completion of their education and training or unemployment allowance at such rate as the appropriate Government may determine.

Provision of employment or unemployment allowance to physical education and sports instructors.

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Even after many years of independence, no concrete policy for compulsory physical education for all students has been formulated so far. Physical education and sports training should no more be the privilege of handful few but should be given to all students. The Government should make all necessary arrangements for imparting physical education and sports for all students in all educational institutions. The Government should take steps for the welfare of instructors in physical education and sports so as to encourage them.

The Bill, therefore, seeks to provide for a comprehensive policy for compulsory physical education and sports training.

NEW DELHI;
June 17, 1997.

VIJAY GOEL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the appropriate Government shall provide compulsory and free physical education and sports training to all students. It further provides for supply of free coaching material, equipments, hostel facilities, scholarship, pocket money, free transport facilities to all sports persons. It further provides that the Government shall start courses in physical education and sports and set up regional centres to promote the cause of sports. Clause 4 provides that the Central Government shall constitute a fund in order to provide assistance to all educational institutions for meeting the requirements in connection with physical education and sports. Clause 5 provides that the appropriate Government shall evolve a scheme for imparting training to all students who are well versed in sports. Clause 6 provides that the appropriate Government shall appoint an expert Committee to recommend the type of physical education and sports to be imparted to students. Clause 7 provides that the appropriate Government shall start one degree college atleast in every five districts with hostel facilities to train students in physical education and sports. Clause 8 provides that the appropriate Government shall provide employment or unemployment allowance to all physical education and sports instructors.

The Bill, if enacted, therefore, will involve expenditure from the Consolidated Fund of India in respect of Union territories. The expenditure involved in respect of implementation of the provisions of the Bill in respect of States will be met out of the Consolidated Funds of the respective States, although some assistance might be extended by the Central Government.

It is estimated that a recurring expenditure of about rupees two thousand and five hundred crore is likely to be involved from the Consolidated Fund of India per annum. A non-recurring expenditure to the tune of rupees forty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules of carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 101 OF 1997

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-eighth year of the Republic of India as follows:—

Short title

1. This Act may be called the Constitution (Amendment) Act, 1997.

Insertion of
new article 9A.

2. After article 9 of the Constitution, the following article shall be inserted, namely:—

Dual
citizenship.

“9A. Notwithstanding anything contained in article 9, any person who, or either of whose parents, was a citizen of India and who has acquired the citizenship of any foreign State, shall be deemed to be a citizen of India, in addition to being a citizen of that foreign State, if he makes an application to a diplomatic or counsellor representative of India in that foreign State for registration as a citizen of India:

Provided that the children of any such person who has been registered as a citizen of India shall, in addition to their being a citizen of a foreign State, also be deemed as citizen of India.”.

STATEMENT OF OBJECTS AND REASONS

A large number of Indian citizens living in foreign countries are taking keen interest in the affairs of India. They migrated to other countries for making their future prospects bright. Of them, many are doing good business in foreign countries. Many of the Indians went to the Gulf countries as skilled and unskilled workers owing to the employment crisis in our country. All these Indian citizens living abroad are sending regular remittances to India which is one of the largest sources of Indian receipts.

There are about 18 million Non-Resident Indians (NRIs) around the world but about only 2.5 million are living in the affluent West. They want to play a global role that suits India. In the present global scenario, India has much need of the experience of NRIs to promote and strengthen its economy. The NRIs are emerging as an important source of capital to boost India's economy and their deposits account for about 23% of the country's foreign reserves. There has been a significant shift in the investments in India by foreign investors particularly NRIs. Under the revised external policy, the Government has recognised the NRIs as a potential source of capital formation. Therefore, there is a need to provide dual citizenship to those original Indians who left the country and opted for other countries for economic reasons. If such Indians are given dual citizenship, it will help in boosting exports and doubling of remittances making available a continuous source of valuable foreign investments. India should follow examples of countries like Japan and Israel which were helped by people of their own origin settled in foreign countries. Also, the grant of status of citizen of India to such Non-Resident Indians, in addition to their being a citizen of a foreign country, will help them in overcoming the minor and irritating problems relating to income tax, buying and selling of property in India, etc. Since our country has already liberalised the economic policies and is urging the foreign investors to invest in India, it is safer, if we allow Non-Resident Indians to have dual citizenship, so that they can play a positive role in strengthening our economy by investing in our country.

Hence this Bill

NEW DELHI;
June 18, 1997.

G.A. CHARAN REDDY

BILL NO. 92 OF 1997

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1997.

Insertion of
new article 31.

2. After article 30 of the Constitution, the following sub-heading and article shall be inserted, namely:—

“Right to Basic Civic Facilities

31. (1) Notwithstanding anything contained in this Constitution, every citizen shall have the right to basic civic facilities.

(2) In order to give effect to the provisions of clause (1), the State may levy such fees, as may be determined by the appropriate legislature by law, on such classes of citizens as it may deem fit.

Explanation.—In this article, the expression “basic civic facilities” means and includes, primary education, health care, potable water, sewerage and drainage facilities, pucca and motorable roads, continuous supply of electricity, supply of essential commodities at concessional rates.”.

STATEMENT OF OBJECTS AND REASONS

India is a vast country with a huge population. Millions of people live in rural areas with no basic civic facilities. They live in utter poverty and they do not even have access to potable water not to speak of other basic necessities. In cities and other urban centres, people do not get basic civic facilities even though they pay taxes for the same. A major portion of our population do not have access to clean drinking water and electricity. There prevails dismal lack of access to primary education and health care.

India being a welfare State, it is the duty of the Government to provide at least minimum basic facilities to all its citizens. The Bill, therefore, proposes to provide for the right to basic facilities as a fundamental right.

Hence this Bill.

NEW DELHI;
June 24, 1997.

CHITTA BASU

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that the State shall provide basic civic facilities to all citizens. Expenditure to be incurred in respect of Union-territories will be met out of the Consolidated Fund of India and in respect of States, out of the Consolidated Funds of the respective States. Central Government may have to extend some financial assistance to State Governments for implementing the provisions of the Bill. Some of the expenditure on providing basic civic facilities may be met by the Union-territories and State Governments by imposing fees on certain classes of citizens. Even then, it is estimated that a recurring expenditure of about rupees 500 crore will be involved every year from the Consolidated Fund of India.

A non recurring expenditure of about rupees 100 crore is also likely to be involved.

BILL NO. 98 OF 1997

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1997.
2. After article 74 of the Constitution, the following article shall be inserted, namely:—

Short title.

Insertion of
new article
74A.

Formation of
Government.

"74A. (1) After every general election to the House of the People, the President shall invite the leader of a political party or combination of political parties which has secured an absolute majority in the House of the People to form the Government:

Provided that in case any political party or combination of political parties has not secured an absolute majority but if any other political party or parties support such political party or combination of political parties through a communication in writing to the President by which the political party or combination of political parties can command majority support in the House of the People, the President shall invite the leader of such political party or combination of parties to form the Government.

(2) Where no political party or combination of political parties has secured an absolute majority in the House of the People, the President shall invite the leader of the

political party which has secured maximum number of seats in the general elections to the House of the People to form the Government, if any other political party or parties do not oppose the formation of such a Government through a communication to the President in writing.

(3) Where the political party or combination of political parties which has formed the Government loses its majority in the House of the People due to split within such political party or combination of political parties or withdrawal of support by the supporting political party or parties, the President shall summon the House of the People and the Council of Ministers shall obtain confidence of the House of the People within three days from the date of occurrence of such split or withdrawal of support.”.

Insertion of
new article
163A.

Formation of
Government.

3. After article 163 of the Constitution, the following article shall be inserted, namely:—

“163A.(1) After every general election to the Legislative Assembly of the State, the Governor shall invite the leader of a political party or combination of political parties which has secured an absolute majority in the Legislative Assembly of the State to form the Government:

Provided that in case any political party or combination of political parties has not secured an absolute majority but if any other political party or parties support such political party or combination of political parties, through a communication in writing to the Governor by which the political party or combination of political parties can command majority support in the Legislative Assembly, the Governor shall invite the leader of such political party or combination of parties to form the Government.

(2) Where no political party or combination of political parties has secured an absolute majority in the Legislative Assembly of the State, the Governor shall invite the leader of the political party which has secured maximum number of seats in the general elections to the Legislative Assembly of the State to form the Government, if any other political party or parties do not oppose the formation of such a Government through a communication to the Governor in writing

(3) Where the political party or combination of political parties which has formed the Government loses its majority in the Legislative Assembly due to split within such political party or combination of political parties or withdrawal of support by the supporting political party or parties, the Governor shall summon the Legislative Assembly of the State and the Council of Ministers shall obtain confidence of the Legislative Assembly within three days from the date of occurrence of such split or withdrawal of support.”.

STATEMENT OF OBJECTS AND REASONS

In the recent past, it has been observed that after the general elections to the Lok Sabha and to the Legislative Assemblies, no political party could secure an absolute majority in the House to form the Government. Even combination of parties could not muster enough support to form the Government themselves without the support of other parties. A new trend has been started wherein some parties support the Government from outside i.e. by not joining the Government. But the negative effect of this trend is that the supporting parties withdraw their support at their own will thereby creating a constitutional crisis in the State.

At present, the scheme of the Constitution provides that the President of India has the discretion to appoint the Prime Minister and other Ministers. The Constitution does not provide for any sort of arrangement in a situation where no party or a combination of parties secure an absolute majority in the House or when the ruling party loses its majority and no other party is able to form the Government. Some times the ruling party loses its majority in the House after a short span after general elections and thus creating a situation where fresh elections have to be held resulting in unnecessary wastage of public money.

Moreover, when ruling party or combination of parties loses majority in the House due to split or withdrawal of support by other supporting parties, enough time is allowed to such party or parties to prove majority in the House thus enabling "horse-trading".

It is, therefore, proposed to amend the Constitution to lay down the procedure in the formation of Government after General elections and to make certain arrangements in situations where any party does not secure an absolute majority in the House after general elections. Although these arrangements do not cover all sorts of situations, yet they will prove as a first step in the healthy democratic functioning.

Hence this Bill.

NEW DELHI;
June 24, 1997.

CHITTA BASU

BILL No. 89 OF 1997

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

Short title

1. This Act may be called the Constitution (Amendment) Act, 1997.

Substitution of
new article for
article 48A.

Pollution free
environment.

2. For article 48A of the Constitution, the following article shall be substituted, namely:—

“48A. It shall be the obligation of the State to secure for the citizens a pollution free environment and to constitute such enforcement agencies as it considers necessary for implementing this provision.

Explanation:— For the purpose of this article, the expression “environment” means and includes water both surface and underground and also the territorial waters, air, and land including the surface of the earth, sub-soil and the forests (the flora and the fauna) and the inter-relationship which exists among and between water, air and land, and human beings, other living creatures, plants, micro-organism and property exclusive of mere amenities.”.

STATEMENT OF OBJECTS AND REASONS

India is a vast country with a huge population. Although there is a provision in the Constitution for protection of environment, yet it has not been achieved. Today, environment has been polluted so much that as a result half of our population tends to fall sick. Although Government has taken many steps to protect the environment, yet the efforts are to be supplemented by voluntary organisations and individuals.

The environment is polluted blatantly by many and there is no check on it. It is the duty of the Government to secure for the citizens a pollution free environment. It is, therefore, proposed to amend the Constitution to provide for a pollution free environment and to constitute enforcement agencies for checking environmental pollution.

Hence this Bill.

NEW DELHI;

CHITTA BASU

June 25, 1997.

BILL No. 109 OF 1997***A Bill further to amend the Constitution of India.***

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Constitution (Amendment) Act, 1997.

Amendment of article 239AA. 2. In article 239AA of the Constitution, in sub-clause(a) of clause (3), the words "except matters with respect to Entries 1, 2 and 18 of the State List and Entries 64, 65 and 66 of that List in so far as they relate to said Entries 1, 2 and 18" shall be omitted

STATEMENT OF OBJECTS AND REASONS

The Constitution (Sixty-Ninth Amendment) Act, 1991 inserted a new Article 239AA to provide for a Legislative Assembly and a Council of Ministers for the Union Territory of Delhi which was renamed as the National Capital Territory of Delhi. *Vide* clause (3) of the said article, the Legislative Assembly has been empowered to make laws for the whole or any part of the National Capital Territory with respect to any of the matters enumerated in the State List or in the Concurrent List except matters with respect of Entries 1 (public order), 2 (police) and 18 (Land).

It is felt that matters like public order, police and land can be better looked after by the Legislative Assembly, the Council of Ministers and the Delhi Administration. Experience shows that there is no particular advantage in retaining these functions with the Central Government. In fact, dual control as exists at present, results in lack of accountability of the administration to the people.

The Bill seeks to achieve the aforesaid objective.

NEW DELHI;
June 26, 1997.

K. L. SHARMA

BILL NO. 113 OF 1997

A Bill to amend the Jamia Millia Islamia Act, 1988.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

Short title and
commence-
ment.

1. (1) This act may be called the Jamia Millia Islamia (Amendment) Act, 1997.

(2) It shall come into force at once.

Amendment
of the Long
Title.

2. In the Long Title of the Jamia Millia Islamia Act, 1988 (hereinafter referred to as the principal Act):—

(i) the words “establish and” shall be omitted; and

(ii) after the word “University”, the words “for promoting education, particularly of the Muslims,” shall be inserted.

3. In section 2 of the principal Act, in clause (o), —
(i) after the word “founded”, the words “by the Sheikhul Hind Maulana Mehmudul Hassan, Maulana Mohammed Ali, Hakim Ajmal Khan, Dr. Mukhtar Ahmed Ansari, Mr. Abdul Majid Khwaja and other leaders of the Muslim community” shall be inserted;
(ii) after the words “which is incorporated as a University under this Act”, the words “, and which is recognised as a minority educational institution under the Constitution of India” shall be inserted. Amendment of section 2.
4. In section 4 of the principal Act, in clause (i), after the words “shall be applied”, the words “to promote the educational and cultural advancement, particularly of the Muslims and” shall be inserted. Amendment of section 4.
5. In section 6 of the principal Act, for clause (ii), the following clause shall be substituted, namely:— Amendment of section 6.
“(ii) to promote the study of the religions and cultures of India as well as the development of the Islamic and the Indian civilizations.”.
6. In section 7 of the principal Act, in the proviso, after the words “the Scheduled Tribes,” the words “the Muslims, other Backward Classes, the Urdu-speaking community, the internal students, outstanding players, the sons/daughters/spouses of the permanent employees and the staff of the University,” shall be inserted. Amendment of section 7.
7. In section 18 of the principal Act, in sub-section (2), after clause (d), the following clause shall be added, namely:— Amendment of section 18.
“(e) to decide and lay down the extend of reservation for each category as is referred to in section 7.”.
8. In section 25 of the principal Act, in sub-section (1), in clause (c), after the word “examination”, the words “which shall ordinarily be Urdu, to the extent possible” shall be added. Amendment of section 25.
9. In the Schedule to the principal Act, in statute 11, after clause (xx), the following clauses thereunder shall be inserted, namely:— Amendment of schedule.
“Others
(xxi) six persons representing Muslim culture and learning to be co-opted by the Anjuman (Court);
(xxii) two persons representing Urdu language and literature to be co-opted by the Anjuman (Court);
(xxiii) the President and the General Secretary of the University Students' Union;
(xxiv) eleven students to be elected by simple majority by students of the various faculties classified into groups in the manner prescribed by the Ordinance;
(xxv) fifteen ex-students to be elected by the Alumini (old students) Association in the manner prescribed by the Ordinance.”.
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STATEMENT OF OBJECTS AND REASONS

Consequent to a court decision, the reservation scheme hitherto in vogue in the Jamia Millia Islamia, Delhi, is in jeopardy. This has created a serious situation and a crisis in the Jamia.

This Bill seeks to restore the reservation scheme and the original, historic and minority character of the Jamia.

NEW DELHI;
July 4, 1997.

G.M. BANATWALLA

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill amends Statute 11 to provide that eleven students shall be elected to the Anjuman (Court) by simple majority by students of the various faculties classified into groups in the manner prescribed by the Ordinance. Similarly, fifteen ex-students shall be elected by the Alumini (Old Boys) Association in the manner prescribed by the Ordinance.

The matters for which ordinances may be made pertains to matter of detail and it is not possible to provide for them in the Bill. The delegation of legislative power is, therefore, of a normal character.

S. GOPALAN,
Secretary-General.

